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- (5) The ALJ position is not a supervisory position. The ALJ is supervised by the Assistant City Manager.

10-1-110. DEFINITIONS APPLICABLE TO TITLE GENERALLY.

The following words and phrases, whenever used in this Title, shall be constructed as defined in this section, unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply:

- (1) "Abatement" means any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding, and securing or replacement of property.
- (2) "Administrative Code Enforcement Order" means an order issued by a hearing officer. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Title and applicable state codes.
- (3) "Administrative Law Judge" means the ~~administrative law judge presiding over the Civil Traffic Enforcement Program established pursuant to Chapter 22-2 of the City Code~~ position established by § 3-2-104.
- (4) "City" means the area within the territorial city limits of West Valley City, and such territory outside of this City over which the City has jurisdiction or control by virtue of any constitutional or incorporation provisions or any law.
- (5) "City Council" means the City Council of West Valley City.
- (6) "Code Enforcement Lien" means a lien recorded to collect outstanding civil penalties, administrative fees, and costs.
- (7) "Code Enforcement Performance Bond" means a bond posted by a responsible person to ensure compliance with the City Code, applicable state titles, a judicial action, or an administrative code enforcement order.
- (8) "Enforcement Official" means any person authorized to enforce violations of the City Code or applicable state codes.
- (9) "Financial Institution" means any person that holds a recorded mortgage or deed of trust on a property.
- (10) "Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; and acts of nature adverse to performing required acts.
- (11) "Imminent Life Safety Hazard" means any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.
- (12) "Legal Interest" means any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.
- (13) "Notice of Compliance" means a document issued by the City, representing that a property complies with the requirements outlined in the notice of violation.
- (14) "Notice of Satisfaction" means a document or form approved by the Administrative Law Judge or his or her designee, which indicates that all outstanding civil penalties and costs have been either paid in full, or that the City has negotiated an agreed amount, or that a

- subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.
- (15) "Notice of Violation" means a written notice prepared by an enforcement official that informs a responsible person of code violations and orders them to take certain steps to correct the violations.
- (16) "Oath" includes affirmations and oaths.
- (17) "Animal Control Administrator" means the supervisor of the Animal Control Division, established in Chapter 3-13 of the City Code.
- (18) "Ordinance Enforcement Administrator" means the supervisor of the Ordinance Enforcement Division, established in Chapter 3-13 of the City Code.
- (19) "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.
- (20) "Property Owner" means the record owner of real property based on the county assessor's records.
- (21) "Public Nuisance" means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah Code Annotated.
- (22) "Responsible Person" means a person who is responsible for causing or maintaining a violation of the City Code or applicable state codes. The property owner, tenant, person with a legal interest in the real property, or person in possession of the real property shall be liable for any violation maintained on the property. In all cases, the property owner shall be considered a Responsible Person.
- (23) "Written" includes handwritten, typewritten, photocopied, computer printed, or facsimile.

CHAPTER 22-2

CIVIL TRAFFIC ENFORCEMENT PROGRAM

Sections:

- 22-2-101. Definitions.
- 22-2-102. Application.
- 22-2-103. Registered Owner Responsible.
- 22-2-104. Regulations not Exclusive.
- ~~22-2-105. Parked Vehicles — proper plates and indicia of registration~~ **Repealed.**
- ~~22-2-106. Parked Vehicles — Insurance Required~~ **Repealed.**
- 22-2-107. Restrictions on Stopping, Standing or Parking.
- 22-2-108. Restricted Parking Areas.
- 22-2-109. Passenger or Freight Curb Loading Zone.
- 22-2-110. Bus Stops and Taxi Stands.

- 132 22-2-111. Parking of Buses and Taxicabs Regulated.
- 133 22-2-112. Procedure for Leaving Vehicle Unattended.
- 134 22-2-113. Stopping or Parking on Roadways.
- 135 22-2-114. Parking in Disabled Parking Stalls.
- 136 22-2-115. Time Limitations.
- 137 22-2-116. Parking or Leaving Trucks, Trailers, Campers, Boats, etc. on street.
- 138 22-2-117. Standing or Parking Near Mailbox Restricted.
- 139 22-2-118. Parking in City-owned Parking Lots.
- 140 22-2-119. Authority to move or remove illegally-parked vehicles.
- 141 22-2-201. Notice of Parking Violation.
- 142 22-2-202. Hearing and Appeal Procedures.
- 143 22-2-203. Civil Penalties for Parking Offenses.

144
145 **22-2-101. DEFINITIONS.**

- 146
- 147 (1) “Park” or “Parking” means the standing of a vehicle, whether occupied or not, otherwise
 - 148 than temporarily for the purpose of and while actually engaged in loading or unloading
 - 149 property or passengers.
 - 150 (2) “Stand” or “Standing” means the halting of a vehicle, whether occupied or not, other than
 - 151 temporarily for the purpose of and while actually engaged in receiving or discharging
 - 152 passengers.
 - 153 (3) “Stop” or “Stopping” means any halting even momentarily of a vehicle, whether
 - 154 occupied or not, except when necessary to avoid conflict with other traffic or when in
 - 155 compliance with the directions of a peace officer or official traffic-control device.
 - 156 (4) “Vehicle” means any self-propelled device in, upon, or by which any person or property
 - 157 is or may be transported or drawn upon a highway.

158 **22-2-102. APPLICATION.**

- 159 (1) The provisions of this Chapter prohibiting the stopping, standing or parking of a vehicle
- 160 shall apply at all times herein specified or as indicated on official signs, except when it is
- 161 necessary to stop a vehicle because of emergency conditions, to avoid conflict with other
- 162 traffic, or to comply with the directions of a peace officer or an official traffic control
- 163 device.
- 164 (2) Permits issued under this Chapter may temporarily authorize stopping, standing or
- 165 parking that would otherwise be a violation of this Chapter.

166 **22-2-103. REGISTERED OWNER RESPONSIBLE.**

- 167 (1) Whenever any vehicle is used in violation of the parking provisions of this Title, the
- 168 person in whose name the vehicle is registered shall be strictly liable for the violation and
- 169 the penalty for that violation.
- 170 (2) If a peace officer or ordinance enforcement officer witnesses a person stop or park a
- 171 vehicle in violation of this Chapter, the officer shall assess the civil penalty against that
- 172 operator in lieu of the registered owner.

22-2-104. REGULATIONS NOT EXCLUSIVE.

The provisions of this Chapter imposing a time limit on stopping, standing and parking shall not relieve any person from the duty to comply with other more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

~~**22-2-105. PARKED VEHICLES — PROPER PLATES AND INDICIA OF REGISTRATION**~~ **REPEALED.**

- ~~(1) Every vehicle stopped or parked upon any roadway, alley, or City-owned parking lot shall:~~
- ~~a. Be currently and validly registered in the name of the owner thereof, unless such vehicle is not required by the laws of Utah to be registered;~~
 - ~~b. Display in proper position two valid, unexpired registration plates, one on the front and one on the rear of such vehicle; and~~
 - ~~c. When required, display current validation or indicia of registration attached to the rear plate in a manner complying with the laws of the State of Utah, and free from defacement, mutilation, or obstruction, so as to be plainly visible and legible at all times.~~
- ~~(2) A vehicle not required to be registered in Utah, or properly displaying indicia of registration issued by another state, territory, possession, or district of the United States, or of a foreign country, substantially complies with this Section, and shall be considered in compliance.~~

~~**22-2-106. PARKED VEHICLES — INSURANCE REQUIRED**~~ **REPEALED.**

~~Every vehicle stopped or parked upon any roadway, alley, or City-owned parking lot shall have current owner's security, as required by Utah Code Annotated Section 41-12a-301, or its successor sections.~~

22-2-107. RESTRICTIONS ON STOPPING, STANDING OR PARKING.

- (1) Stopping, standing, or parking prohibited. No vehicle shall be stopped, standing, or parked, whether occupied or not, in any of the following places:
- a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk;
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure, upon a highway, or within a highway tunnel;

- h. On any railroad track;
 - i. On any controlled-access highway;
 - j. In the area between roadways of a divided highway, including crossovers; or
 - k. Any place where official traffic-control devices prohibit stopping, standing, or parking.
- (2) Standing or Parking Prohibited. No vehicle shall be standing or parked, whether occupied or not, except to temporarily pick up or discharge a passenger or passengers, provided the driver remains in the vehicle and the engine remains running:
- a. In front of a public or private driveway;
 - b. Within 15 feet of a fire hydrant;
 - c. Within 20 feet of a crosswalk;
 - d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or other traffic-control signal located at the side of a roadway;
 - e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when posted by signs;
 - f. At any place where official traffic-control devices prohibit standing or parking.
- (3) Parking prohibited. No vehicle shall be parked, except temporarily for the purpose of, and while actually engaged in, loading or unloading of passengers or property, provided the driver remains with the vehicle:
- a. Within 50 feet of the nearest rail of a railroad crossing;
 - b. At any place where official traffic-control devices prohibit parking.
- (4) Exception. The requirements of this Section do not apply when necessary in emergency situations, to avoid conflict with other traffic, or when necessary to comply with law, the directions of a peace officer, or an official traffic-control device.

22-2-108. RESTRICTED PARKING AREAS.

No vehicle shall be stopped or parked for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted.

22-2-109. PASSENGER OR FREIGHT CURB LOADING ZONE.

- (1) No vehicle may stop or park for any purpose or length of time other than for the loading or unloading of passengers in any place marked as a passenger curb loading zone during the hours when the regulations applicable to such loading zones are effective, and then only for a period not to exceed three minutes, provided the driver remains with the vehicle, and the vehicle's engine remains running.
- (2) No vehicle may stop or park for any purpose or length of time other than for the expeditious loading or unloading of materials in any place marked as a freight curb-loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
- (3) The driver of a passenger vehicle may stop at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone for the purpose of loading or unloading freight, provided that the driver remains with the vehicle, and the vehicle's engine remains running.

22-2-110. BUS STOPS AND TAXI STANDS.

No vehicle shall stop, stand, or park, other than a bus or coach, in a bus stop, or other than a licensed taxicab, in a taxi stand, when any such stand or stop has been officially designated and appropriately signed or marked, except that a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, coach, or taxicab waiting or about to enter such zone, provided the driver remains with the vehicle, and the vehicle's engine remains running.

22-2-111. PARKING OF BUSES AND TAXICABS REGULATED.

No bus or taxicab may park upon any street where parking is prohibited, restricted, limited as to time or regulated by parking meters, at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

22-2-112. PROCEDURE FOR LEAVING VEHICLE UNATTENDED.

No vehicle shall be left standing unattended unless the engine is stopped, the ignition is locked, and the ignition key is removed. If the vehicle is standing upon any perceptible grade, the brakes must be set and the front wheels turned to the curb or side of the roadway.

22-2-113. STOPPING OR PARKING ON ROADWAYS.

- (1) Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a two-way roadway shall be stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
- (2) Every vehicle stopped or parked upon a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left-hand shoulder.
- (3) No vehicle shall be stopped or parked upon any roadway for the principal purpose of:
 - a. Greasing or repairing such vehicle except repairs as necessitated by an emergency;
 - b. The sale of foodstuffs or other merchandise;
 - c. The prohibitions of this Subsection do not apply if the act is allowed under the provisions of another City ordinance.
- (4) In no event shall a vehicle be parked in such a manner as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicle traffic.

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297 **22-2-114. PARKING IN DISABLED PARKING STALLS.**
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- 299 (1) No vehicle, except those displaying an official disabled license plate or transferable
300 motor vehicle identification card issued by the state shall park in any parking spot
301 designated for parking by disabled persons, even if the driver or a passenger in the
302 vehicle is disabled.
- 303 a. A vehicle displaying a distinctive official disabled license plate or transferable
304 motor vehicle identification card issued by another state, territory, or foreign
305 jurisdiction shall be permitted to park in a parking spot designated for use by a
306 disabled person.
 - 307 b. No person shall park in a parking stall designated for use by disabled persons
308 unless that person or a passenger in the vehicle is disabled, even if the vehicle
309 displays a disabled license plate or transferable motor vehicle identification card
310 issued by the State.
 - 311 c. No citation for a violation of subsection (c) shall issue unless a peace officer or
312 ordinance control officer observes the violation. Volunteer enforcement
313 personnel shall not be permitted to issue citations for violations of Subsection (c).
- 314 (2) This Section shall apply to and be enforceable upon all property where parking is open to
315 the general public, whether parking is provided to the general public for free or for a fee.
- 316 (3) The West Valley City Police Department may authorize volunteers to issue Notices of
317 Parking Violation for violations of this Section, or any other City ordinance or regulation
318 which provides a penalty for illegal parking in a stall properly designated for the
319 exclusive use by disabled persons.
- 320 a. A volunteer appointed under this Subsection must be eighteen years of age or
321 older.
 - 322 b. No volunteer shall issue a Notice of Parking Violation without having first been
323 satisfactorily trained by the Police Department.
- 324 (4) A Notice of Parking Violation issued by a properly appointed volunteer shall have the
325 same force and effect as a Notice issued by a peace officer or ordinance enforcement
326 officer, provided the Notice issued by the volunteer contains the following information:
- 327 a. A sworn statement that the volunteer observed the vehicle parked in violation of
328 this Section;
 - 329 b. Photographic evidence that the vehicle was parked in violation of this Section,
330 provided that at least one photograph clearly shows the license plate of the
331 vehicle;
 - 332 c. The name and business address of the volunteer, and any other identifying
333 information required by the Police Department.

334 **22-2-115. TIME LIMITATIONS.**

335 No vehicle shall be parked on any street:

- 336 (1) While there is an accumulation of snow or ice of one inch or more on the roadway;
337 (2) For a period of longer than 72 consecutive hours; or
338 (3) For any period longer than allowed by appropriate signs, markings, or parking meters
339 giving notice of such parking time limitation.

340 **22-2-116. PARKING OR LEAVING TRUCKS, TRAILERS, CAMPERS, BOATS,**
341 **ETC. ON STREET.**

- 342 (1) No non-motorized vehicle, farm equipment, construction equipment, unmounted or
343 unattached camper, boat, utility trailer, camper trailer, or any other type of trailer or any
344 inoperable vehicle (as defined in Title 24 of this Code) may be parked, placed,
345 stored, abandoned, or otherwise left on any public street, alley, sidewalk, park strip, or
346 right-of-way at any time.
- 347 (2) No motorized recreational vehicle, farm vehicle, construction vehicle or off-highway
348 vehicle may be parked, placed, stored, abandoned, or otherwise left on any public street,
349 alley, sidewalk, park strip, or right-of-way at any time, unless the vehicle is actually
350 engaged in loading and unloading passengers or freight.
- 351 (3) It shall be unlawful to park, place, store, abandon, or otherwise leave any motorized
352 vehicle, combination of vehicles, or combination of vehicles and load which have a
353 length of more than 45 feet, or a width of more than 8 feet, or a height of more than 14
354 feet, or a gross weight over 18,000 pounds, or more than two axles, on any public street,
355 alley, sidewalk, park strip, or right-of-way at any time, unless the vehicle or combination
356 is actually engaged in loading or unloading passengers or freight.
- 357 (4) For the purposes of this Section, a vehicle shall be considered parked, even if the engine
358 is running, if the vehicle is left standing for any period longer than three minutes, unless
359 the vehicle is actually loading or unloading as provided.
- 360 a. For the purposes of this Section the term “loading and unloading” includes the use
361 of a vehicle for repair, construction, or maintenance actually conducted by
362 businesses licensed to engage in such a business in accordance with other City
363 ordinances.
- 364 (5) No motor home, boat, trailer, camper, or other similar conveyance used for temporary
365 recreational uses shall be used for overnight camping or as a residence, except in mobile
366 home parks or campgrounds licensed by the City.
- 367 (6) The provisions of this Section do not apply to passenger buses operated under the
368 authority of the Public Service Commission of the State of Utah, nor to authorized
369 emergency vehicles, nor to public works vehicles.

370 **22-2-117. STANDING OR PARKING NEAR MAILBOX RESTRICTED.**

371 Except when necessary to avoid conflict with other traffic, to comply with law or the
372 directions of a peace officer or official traffic control device, or to momentarily pick up or
373 discharge passengers, no vehicle shall be stopped or parked, whether occupied or not, within 15
374 feet of a public or private curb mailbox between the hours of 8 a.m. and 5 p.m.

375 **22-2-118. PARKING IN CITY-OWNED PARKING LOTS.**

376 In any parking lot owned by the City where parking stalls are designated by painted lines
377 or otherwise, no motorized or non-motorized vehicle shall be parked outside of a designated
378 parking stall, unless specifically authorized by the City.

379 **22-2-119. AUTHORITY TO MOVE OR REMOVE ILLEGALLY-PARKED**
380 **VEHICLES.**

- 381 (1) Whenever a peace officer determines that a vehicle parked in violation of this Chapter
382 must be moved to avoid public inconvenience, ensure public safety, or because it appears
383 to be abandoned, the officer is authorized to move the vehicle, cause it to be removed, or
384 to order the owner or operator of the vehicle to move or remove it.
- 385 (2) A peace officer who causes a vehicle to be removed under this Section shall have the
386 vehicle removed by a tow truck service that meets the standards established by Title 72,
387 Chapter 9, Utah Code Annotated 1953, as amended, and that is authorized by the Police
388 Department to perform towing services for the City.
- 389 (3) The City shall not be liable for any lost, damaged, or stolen items or damage to any
390 vehicle moved or removed pursuant to this Section.
- 391 (4) The registered owner of a vehicle removed under this Section is strictly liable for all costs
392 of removal.

393 **22-2-201. NOTICE OF PARKING VIOLATION.**

- 394 (1) Every person who receives a Notice of Parking Violation must pay the civil penalty for
395 that violation as set forth in this Chapter. If the owner or operator requests a hearing
396 within thirty days, as provided in this Chapter, the penalty is not due until any hearing
397 processes are complete, if there remains an obligation to pay the penalty.
- 398 (2) Except as noted below, the civil penalties specified in this Chapter shall be subject to the
399 following reductions:
- 400 a. Any penalty that is paid within ten (10) days from the date of issuance of the
401 Notice of Violation shall be reduced by one hundred dollars (\$100);
- 402 b. Any penalty that is paid between ten (10) and thirty (30) days from the date of
403 issuance of the Notice of Violation shall be reduced by fifty dollars (\$50).
- 404 (3) Every filing for a Notice of Violation for which the appropriate penalty has been paid in
405 full within sixty (60) days of issuance shall be ~~dismissed by the Justice Court upon~~
406 ~~receipt of the payment~~ **deemed satisfied.**
- 407 (4) Every filing for a Notice of Violation for which the appropriate penalty has been paid
408 within ten (10) days from such date as may have been agreed to by the ~~hearing officer or~~
409 ~~judge~~ **Administrative Law Judge**, shall be ~~dismissed~~ **deemed satisfied.**
- 410 (5) Every filing for a Notice of Violation for which the appropriate penalty imposed pursuant
411 to this Chapter remains unsatisfied after sixty (60) days from the issuance of the Notice
412 of Violation, or ten (10) days from such date as may have been agreed to by the ~~hearing~~
413 ~~officer or judge~~, shall result in a judgment of the Justice Court in favor of the City for the
414 amount of the civil penalty. Such judgments are subject to post-judgment interest at the
415 legal rate. ~~Service of such judgments is accomplished by the clerk of the Justice Court~~
416 ~~mailing a copy to the address of the owner or operator as it appears on the Notice of~~
417 ~~Violation, or such subsequent address as has been given to the Court~~ **Administrative Law**
418 **Judge, shall be considered in default. The City will use all lawful means to collect on the**
419 **default. The owner or operator will be subject to all fines, including court, constable and**
420 **attorneys' fees. Nonappearance of an owner or operator will result in a default judgment.**

- (6) The City may use all lawful means to collect and satisfy the judgment, including costs and reasonable attorney's fees. ~~Post-judgment proceedings shall be handled in accord with rules of practice for small claims cases.~~

22-2-202. HEARING AND APPEAL PROCEDURES.

- (1) The City Manager shall designate such ~~hearing officers~~ **Administrative Law Judges** as are deemed necessary to consider matters relating to stopping or parking violations.
- (2) ~~Other persons may be empowered by the Justice Court to~~ **The City Attorney's Office shall act as parking coordinators, to accept payments, and offers of proof; manage payment plans; and schedule hearings before the Administrative Law Judge and to schedule payment plans or hearings before the hearing officer.**
- (3) Any person who has received a Notice of Violation on their vehicle, by mail, or in person, may appear before a parking coordinator to schedule payments, provide offers of proof, and to request hearings before the ~~hearing officer~~ **Administrative Law Judge**.
- a. A request for hearing must be in writing, and signed by the person named in the Notice of Violation. A request must clearly state that the person is requesting a hearing, and must identify the Notice of Violation. If the parking coordinator determines that a purported request does not comply with this Subsection, the person named in the Notice of Violation shall be deemed to have not requested a hearing.
- (4) At hearings before the ~~hearing officer~~ **Administrative Law Judge**:
- a. The burden to prove any defense shall be upon the person raising the defense.
- b. If the ~~hearing officer~~ **Administrative Law Judge** finds that no violation occurred, or that a violation occurred but one or more of the defenses set forth in this Subsection is applicable, the ~~hearing officer~~ **Administrative Law Judge** may dismiss the Notice of Violation and release the owner or person named in the notice from liability thereunder.
- i. Defenses available under this Subsection are:
1. At the time of the observed violation, possession of the subject vehicle had been acquired, by someone other than the registered owner, in violation of the criminal laws of the State;
2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.
- c. If the ~~hearing officer~~ **Administrative Law Judge** finds that a violation occurred, but that one or more of the defenses set forth in this Subsection is applicable, the hearing officer may reduce the penalty associated therewith, but in no event shall such penalty be reduced below the sum of five dollars (\$5).
- i. Such defenses are:
1. At the time of receipt of the Notice of Violation, possession of the subject vehicle had been acquired pursuant to a written lease agreement, or other similar written agreement;
2. The subject vehicle was mechanically incapable of being moved from such location; provided, however, that this defense shall not apply to any vehicle which remains at such location in excess of six (6) hours;

- 465 3. Any markings, signs, or other indicia of parking regulation were
466 not clearly visible or comprehensible; provided, however, that this
467 defense shall not apply where the marking or sign is shown to be
468 properly installed and visible on the date of the violation.
- 469 4. Such other mitigating circumstances as may be approved by the
470 City Manager.
- 471 d. If the ~~hearing officer~~ **Administrative Law Judge** determines that a violation
472 occurred and no applicable defense exists, the ~~hearing officer~~ **Administrative Law**
473 **Judge** may, in the interest of justice and on behalf of the City, enter into an
474 agreement for the timely or periodic payment of the applicable penalty.
- 475 ~~(5) Any person not satisfied with the decision of the hearing officer may request a hearing~~
476 ~~from the Justice Court within two (2) business days of that decision. Such hearings shall~~
477 ~~be scheduled in conjunction with the Justice Court's small claims calendars.~~
- 478 ~~(6) In a hearing before the Justice Court, the same defenses and burdens apply as before the~~
479 ~~hearing officer.~~
- 480 ~~(7) The decision of the Justice Court is final and not subject to review.~~
481

482 **Section 3. Severability.** If any provision of this Ordinance is declared to be invalid
483 by a court of competent jurisdiction, the remainder shall not be affected thereby.

484 **Section 4. Effective Date.** This Ordinance shall take effect immediately upon
485 posting in the manner required by law.

486 PASSED and APPROVED this 6th day of December, 2011.

487
488 WEST VALLEY CITY
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493 MAYOR
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495 ATTEST:

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499 CITY RECORDER
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